

Richard Button

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1 So you can go into any hardware store, Alaska
2 Industrial Hardware, and buy trowels. They've got
3 standard edges. What that radius is, I don't know. It's
4 pretty much accepted by the industry and that's what you
5 get. Probably quarter-inch radius, or something like
6 that.

7 **Q. In this particular case the troweled piece of**
8 **concrete, it's troweled differently than the adjoining**
9 **pieces of concrete, correct?**

10 A. It appears that there was some attempt to fill
11 in what was a flower bed or a planting area. And that
12 that -- and I say that simply because the finish on that
13 particular concrete was different than what you see
14 everywhere else.

15 **Q. It appears to have been laid at a later date?**

16 A. Could be a later date. Certainly a different --
17 at a different time.

18 **Q. It's right on that corner where people may have**
19 **traveled over the flower bed, or something?**

20 A. It -- as I remember it, that extends all the way
21 back -- that extends all the way back to the door. It
22 looks to me like at one time they thought they wanted to
23 have a planting bed in there. And the reality of it is
24 it's on the north side of the building. And it's
25 undercover. And things didn't grow well there. And they

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1 **being retained in this case?**

2 A. Sure. My offices are right across the street.
3 So -- although that -- and over the years the Cattle
4 Company's been kind of a hangout, so it's gone through a
5 lot of incarnations and I was part of some of those,
6 so --

7 **Q. When you say you were part of some of those, did**
8 **you ever participate at all in any of the design?**

9 A. Not any of the design. I participated in the
10 partying that went on inside.

11 **Q. Had you ever noticed that piece of concrete**
12 **before?**

13 A. No.

14 **Q. Any particular reason you would notice or not**
15 **notice it?**

16 A. No.

17 **Q. Had you ever stumbled there before?**

18 A. No.

19 **Q. Do you think you had crossed that location**
20 **before?**

21 A. Probably not. I usually don't park on this side
22 of the building.

23 **Q. You said several times that sidewalks are**
24 **supposed to be continuous surfaces. What provision of**
25 **the code applies to that?**

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1 just ended up with an eyesore, so they filled it in. But
2 I have no basis for that, other than just -- just knowing
3 something about what grows up here, since that's one of
4 my hobbies. And I suspect that's what happened.

5 **Q. I think it says in your report that it appears**
6 **the pieces of cement had moved due to frost heaving**
7 **and/or settling; is that your opinion?**

8 A. I'll have to go look and see what I said.

9 Yeah, I say it was not clear whether the
10 difference was due to frost heave or settling of sections
11 of the sidewalk.

12 **Q. Do you have any opinion at all as to why the**
13 **difference in elevation exists?**

14 A. My guess is that it settled. And I say that
15 because, looking at these pictures and looking at -- my
16 pictures were taken in the winter. These pictures, I
17 don't see any snow on the ground. And I've been there
18 recently. And this is -- this piece of concrete's pretty
19 much -- stayed as it shows there. So my guess is that
20 there isn't any frost heave going on. And if there
21 isn't, it probably was settlement.

22 **Q. Either frost heaving or settlement, are those**
23 **uncommon in sidewalk situations here in Anchorage?**

24 A. Uncommon, no.

25 **Q. Had you ever been to this location prior to**

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1 A. Well, the -- the sections that talk about
2 exiting talk about landings being level surfaces or
3 sloped surfaces, but not discontinuous surfaces.

4 **Q. Is this considered a landing, the location of**
5 **this accident?**

6 A. The code often speaks to general areas that --
7 that are then carried on forward. So -- so,
8 in other words, it's understood that you're not going to
9 have ups and downs in any means of egress. And this
10 sidewalk would still be considered a means of egress from
11 the building.

12 **Q. When does a landing or a means of egress become**
13 **a sidewalk or something different?**

14 A. When you exit a building and the exit opens onto
15 a sidewalk, then that becomes a means of egress.

16 And there are standards; specifications for
17 sidewalks require that they be level, that there be no
18 change in elevation between the different pieces of it
19 after it's done. And slabs are the same way, they're
20 required to be, you know, not more than quarter-inch out
21 of level in ten feet so -- they're just -- obviously, if
22 we have a sloping site, then sidewalks are going to slope
23 with the site. But within that slope, they're supposed
24 to maintain continuity of elevation, so that you don't
25 trip. That's the whole point, is trying to not trip.

10 (Pages 34 to 37)
EXHIBIT

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<p style="text-align: right;">Page 38</p> <p>1 Q. I understand there are standards for making 2 sidewalks. We talked about settling. We talked about 3 freezing. I'm going to assume tree roots can push out 4 pieces of sidewalk? 5 A. Yes, they can. 6 Q. Is that a code violation when the piece of 7 sidewalk becomes unlevel with the adjoining piece? 8 A. Yeah, I would -- I would say that it would be a 9 code violation. 10 Q. Is there any enforcement of those violations? 11 Is that something, you call the Municipality of Anchorage 12 and they'll enforce the code? 13 A. No. You could call them, and they probably 14 should -- I -- I guess I don't have an opinion on that, 15 because I haven't done it, so -- 16 Q. If you were the officer to say that this 17 sidewalk was a code violation, what provision would you 18 cite? 19 A. I would go back to the sections that say that -- 20 that the maximum difference in elevation that you're 21 allowed on any path of egress is a half-an-inch. And 22 that happens at doorways or thresholds. And that's the 23 exception that's made because, as a practical matter, you 24 need to have a threshold in a doorway. 25 Q. Now, in your report you cite section 1008.1.6</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I would say that, yes, there probably is. I 2 don't have access to it here today. But I can tell you 3 for sure that it is understood. 4 Q. How about in this particular case at the Cattle 5 Company, the curb out to the parking lot, that appears to 6 be out of flat, that's an exception to the flatness of 7 where people walk? 8 A. You're allowed to have rises at stairs and curbs 9 up to seven inches. So I'm -- I mean, so between your 10 street and the typical height for a curb is six inches, 11 but the code allows for stairways a maximum rise or 12 height of seven inches. 13 Q. Is there a minimum rise or height? 14 A. I think it's four. I would have to go back and 15 look. But, yes, they do have a maximum/minimum for the 16 same reason, they don't want -- there is a certain level 17 that people don't perceive well. And so you -- tripping 18 becomes a problem, too, so they define a minimum stair 19 riser height and a maximum. 20 Q. When you say there's a point people don't 21 perceive well, what is the basis of that opinion? What 22 background -- 23 A. That's just general conversation with my 24 colleagues over the years. 25 Q. Any colleagues with particular psychological</p>
<p style="text-align: right;">Page 39</p> <p>1 for thresholds. Where is the provision that says 2 sidewalks can't be out of level? Or that -- is there any 3 provision that says -- that says this, the egress has to 4 be continuous? 5 A. There is a section. I guess the assumption is 6 that -- and it's -- it -- I would have to go back and see 7 if I could track down the section, but the assumption of 8 all codes is that the floors are level. That's why you 9 can walk across the lobby here and not end up with 10 changes in floor level, even though it might be 11 convenient, and have tripping hazards. 12 Q. That's an assumption of the code, but it's not a 13 provision of the code. 14 A. Well, it is -- they have accepted the flatness 15 at doorways. So they've given you -- they've allowed 16 that there be a half-inch exception to flat when you walk 17 through a door. I mean, otherwise you wouldn't be 18 allowed that, otherwise you would have to have a flat 19 level means of travel through doorways, which is 20 impractical. 21 Q. I'm not arguing what's smart design or what's 22 good design. 23 A. Sure. 24 Q. But is there a provision that says we're going 25 to have flatness? Is there a specific provision?</p>	<p style="text-align: right;">Page 41</p> <p>1 training? 2 A. No, just general conversation. 3 Q. Engineering colleagues? 4 A. And architectural colleagues. 5 Q. Is there a minimum height for curbs? Is that 6 the same as stairs, or -- 7 A. You know, I don't know if there's a minimum 8 height. The Muni has standards for curbs. You can have 9 a rolled curb. You can have a curb for handicapped 10 access. And the -- I believe the -- I'd have to go take 11 a look at the typical detail, I think it probably rolls 12 down to about an inch or half-an-inch, something like 13 that. Those are just standard details that are put out 14 by the Muni. 15 And so the six inches works well. That's 16 usually the curb that we adopt and use in our projects. 17 Although, as I said, they have specific details for -- 18 approved details for a handicapped access from a sidewalk 19 to a street. 20 Q. I think we're just about done. Just a second 21 here. 22 You would agree this sidewalk is not a landing 23 or a threshold; is that a fair statement? 24 A. Uh-huh. 25 Q. That's a yes?</p>

11 (Pages 38 to 41) ..